

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 3:07CR137

ROBERT C. HILL

ORDER

This cause is before the Court on the defendant's Motion to Suppress [23]. The Court, having reviewed the motion, the response and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is not well-taken and should be denied. In the first instance, the motion is devoid of any specific factual allegations from which the Court might adjudge the need for a suppression hearing or determine the merits of said motion:

Factual allegations set forth in the defendant's motion . . . must be "sufficiently definite, specific, detailed, and nonconjectural, to enable the court to conclude that a substantial claim is presented." General or conclusionary assertions, founded upon mere suspicion or conjecture, will not suffice.

United States v. Harrelson, 705 F.2d 733, 737 (5th Cir. 1983) (citations omitted).

The motion never identifies the nature of the evidence defendant seeks to suppress. Instead, as noted in the government's opposition thereto, the motion is more akin to one for dismissal pursuant to Federal Rule of Criminal Procedure 12(b)(3)(C) or for acquittal pursuant to Federal Rule of Criminal Procedure 29. Defendant Hill appears to argue that the government cannot meet its burden in proving that he violated the criminal statute at issue, e.g. 18 U.S.C. § 2422(b). However, determining the identity of a criminal perpetrator is the duty of the factfinder. Dismissal at this

juncture is premature, especially in view of the evidence tendered in opposition to the motion.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion to Suppress [23], is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 11th day of March, 2008.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE